

**FILED**

**SEP 26 2013**

Clerk, U.S. District Court  
District Of Montana  
Great Falls

UNITED STATES DISTRICT COURT  
DISTRICT OF MONTANA  
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL SEAN SMITH,

Defendant.

Case No. CR 13-66-GF-DLC-RKS

FINDINGS RECOMMENDATION  
CONCERNING PLEA

The Defendant, by consent, has appeared before me under Fed. R. Crim. P. 11 and has entered a plea of guilty to one count of Illegal Alien In Possession Of Firearms in violation of 18 U.S.C. §922(g)(5), as set forth in the Indictment. Defendant further agrees to the forfeiture of a Taurus .40 caliber semi-automatic handgun (serial number SCR62395); Mossberg 20 gauge shotgun (serial number P684842); Howa .300 caliber rifle (serial number B215941); and Ruger 10/22 rifle (serial number 35429548) as specified in the Plea Agreement.

After examining the Defendant under oath, I have made the following determinations:

1. That the Defendant is fully competent and capable of entering an informed and voluntary plea to the criminal count charged against him, and an

informed and voluntary admission to the allegation of forfeiture;

2. That the Defendant is aware of the nature of the charge against him and the consequences of pleading guilty to the charge;

3. That the Defendant understands the allegation of forfeiture and the consequences of admitting to the allegation;

4. That the Defendant fully understands his constitutional rights, and the extent to which he is waiving those rights by pleading guilty to the criminal count charged against him, and admitting to the allegation of forfeiture;

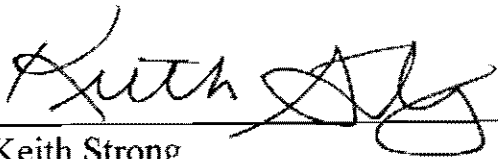
5. That both his plea of guilty to the criminal count charged against him and his admission to the allegation of forfeiture are knowingly and voluntarily entered, and are both supported by independent factual grounds sufficient to prove each of the essential elements of the criminal count charged and the legal basis for the forfeiture.

The Court further concludes that the Defendant had adequate time to review the Plea Agreement with counsel, that he fully understands each and every provision of the agreement and that all of the statements in the Plea Agreement are true. Therefore, I recommend that the Defendant be adjudged guilty of the criminal charge set forth in the Indictment, and that sentence be imposed. I further recommend the agreed forfeiture be imposed against Defendant.

**This report is forwarded with the recommendation that the Court defer**

a decision regarding acceptance until the Court has reviewed the Plea Agreement and the presentence report.

DATED this 26th day of September, 2013.

  
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Keith Strong  
United States Magistrate Judge